



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF WATER RESOURCES

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SUMMARY OF SIGNIFICANT CHANGES TO THE RIPDES CONSTRUCTION GENERAL PERMIT

July 27, 2020 –The Rhode Island Department of Environmental Management (DEM) Office of Water Resources intends to re-issue the Rhode Island Pollutant Discharge Elimination System (RIPDES) Stormwater Discharges Associated with Construction Activity General Permit (Construction General Permit or “CGP”), extending coverage until September, 2025.

Several minor changes from the previous (2018) Construction General Permit have been incorporated into the draft 2020 CGP in order to make updates and clarifications to permit language and to conform with the current version of the EPA’s 2017 Construction General Permit (most recently amended in June 2019).

The re-issued CGP does not require existing permit holders to re-apply. Coverage under the RIPDES Construction General Permit will be extended under the re-issued CGP.

This document provides a summary of the major edits and changes that have been made to the CGP. Please carefully review the draft 2020 CGP for detailed changes.

1. A Table of Contents was added to the CGP.
2. References to the RIPDES Regulations (250-RICR-150-10-1) were updated, where appropriate. References to the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM) were updated to instead refer to the Rhode Island Stormwater Management, Design and Installation Rules (250-RICR-10-10-8), where appropriate.
3. Part I.B.1.d, “Allowable Stormwater Discharges”. Language was added to clarify that stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are covered as allowable stormwater discharges under the CGP. This language was added to maintain consistency with the most recent version of the EPA’s 2017 Construction General Permit.
4. Part I.B.2.j, “Allowable Non-stormwater Discharges,” was updated to include external building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (e.g., paint or caulk containing polychlorinated biphenyls (PCBS)) and appropriate control measures have been implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement). This language was added to maintain consistency with the most recent version of the EPA’s 2017 Construction General Permit and the RIPDES Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity.
5. Part I.B.3.e. The following language was added regarding discharge to polychlorinated biphenyl (PCB) impaired waters. This language was added to maintain consistency with the most recent version of the EPA’s 2017 Construction General Permit:

“If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

- a. Implement controls to minimize the exposure of PCB-containing materials, including paint, caulk and pre-1980 fluorescent lighting fixtures, to precipitation and stormwater; and

- b. Ensure that disposal of such materials is performed in compliance with applicable state, federal and local laws.”
- 6. Part I.E. of the CGP requires that Permittees notify DEM in writing of the anticipated start date of construction via the Notice of Start of Construction Form. New to the 2020 CGP, language was added to this section requiring Permittees to post a sign resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which identifies the initials “DEM” and the application number(s) assigned to the permit, prior to construction. The sign must be maintained at the site in a conspicuous location until such time that the project is complete. This requirement was added in order to maintain consistency with permit requirements of other DEM permitting programs (e.g. Freshwater Wetlands, Water Quality Certification, Underground Injection Control) and to make permit information readily accessible to the public.
- 7. Part III.J.2.i, “Minimize Dust,” was amended to clarify applicability. The language was modified to specify that dust control procedures and practices are required in order to control the generation of pollutants that could be discharged in stormwater from the site.
- 8. Part IV, “Notice of Intent Requirements.” The 2018 CGP introduced the *Application for Stormwater Construction Permit and Water Quality Certification Form*. The 2020 CGP clarifies that the terms “Notice of Intent” and/or “NOI” refer to the *Application for Stormwater Construction Permit and Water Quality Certification Form* and the *Appendix A Checklist (Stormwater Management Plan Checklist and LID Planning Report-Stormwater Design Summary)*, available on the DEM Stormwater Construction Permitting website¹.
- 9. Part V.L, “Transfers,” was updated to state that a permit must be transferred at the time of sale of the permitted property. Written notice of permit transfer may be provided via the Permit Transfer Form available on the DEM Stormwater Construction Permitting website. Sites subject to additional permits must follow the permit transfer process for all applicable permits.

¹ <http://www.dem.ri.gov/stormwaterconstruction>

September 22, 2020 – A public comment period for the draft 2020 CGP was held from July 27, 2020 to September 11, 2020. No substantive comments were received during this time, however upon further review of the draft 2020 CGP, the following additional modifications were made to permit language in order to supply clarification. These modifications do not alter the intent of the original permit language, nor do they require additional action by permittees under the CGP.

1. Throughout Parts I and II of the permit, the terms “Notice of Intent” and “NOI” were replaced with the phrase “application” or “*Application for Stormwater Construction Permit and Water Quality Certification Form and Appendix A Checklist (Stormwater Management Plan Checklist and LID Planning Report- Stormwater Design Summary)*,” where appropriate. The purpose of this change was to clarify and reiterate that the previously used terms “Notice of Intent” and/or “NOI” refer to the *Application for Stormwater Construction Permit and Water Quality Certification Form and Appendix A Checklist (Stormwater Management Plan Checklist and LID Planning Report- Stormwater Design Summary)*.
2. Language in Part I.D.1.b, “Application Requirements, New Applications,” was modified to clarify the application procedure when additional state permits are required for the project. Where applicable, the NOI (as defined in section IV) is to be submitted as part of an application to obtain a RIDEM Freshwater Wetlands Permit, RIDEM Water Quality Certification, RIDEM UIC/Groundwater Discharge Permit, CRMC Assent or QLP approval.
3. Part III.G (Soil Erosion and Sediment Control (SESC) Plan Requirements) was modified to remove the requirement to keep a copy of the NOI on site at all times during the extent of coverage of the permit. This requirement is no longer necessary since all relevant site information is available from the SESC Plan, which is still required to be kept on site. Furthermore, the Department determined that the requirement to maintain copies of the *Application for Stormwater Construction Permit and Water Quality Certification Form and Appendix A Checklist (Stormwater Management Plan Checklist and LID Planning Report- Stormwater Design Summary)* would be an unnecessary additional burden to permit holders.